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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT TACOMA

12 DENNIS FLORER,

13 Plaintiff,

14 v.

15 CHERYL JOHNSON, *et al.*,

16 Defendants.
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Case No. C06-5561 RJB/KLS

ORDER DIRECTING BRIEFING
AND LIFTING STAY

18 This matter comes before the Court on Plaintiff's motion to amend his complaint. Dkt. # 161.
19 Defendants argue that the motion should be denied as untimely as the stay in this matter has not been
20 lifted and their motion for summary judgment is still pending. Dkt.# 163.

21 The Court previously stayed this case pending resolution of trial on the merits of Plaintiff's case in
22 the Eastern District of Washington. Dkt. # 156. In that Order, Defendants were directed to advise the
23 Court within twenty days of receiving a final ruling in the Eastern District case. *Id.* Defendants state in
24 their opposition that judgment was entered in favor of the defendant in the Eastern District case on
25 September 10, 2008. Dkt. # 163, p. 3. However, Defendant did not advise this Court of the final ruling in
26 the Eastern District as directed.

27 Defendants request an opportunity to provide supplemental briefing to the Court regarding the
28 impact of the Eastern District Court's judgment on the pending motions in this case. The Court finds that

1 Defendant should be given an opportunity to do so. The Court will re-note Plaintiff's motion to amend to
2 allow for further briefing. Following resolution of the motion to amend, the Defendants' motion for
3 summary judgment may be re-noted.

4 Accordingly, it is **ORDERED**:

- 5 (1) The stay in this matter shall be **LIFTED**;
- 6 (2) The Defendants shall provide the Court with supplemental briefing regarding the impact of
7 the Eastern District Court's judgment on the pending motions in this case;
- 8 (3) The Clerk shall **re-note** Plaintiff's motion to amend (Dkt. # 161) for **December 19, 2008**;
- 9 (4) Defendants shall file a response to Plaintiff's motion to amend (Dkt. # 161) by **December**
10 **15, 2008**; Plaintiff may file a reply by **December 19, 2009**; and
- 11 (5) The Clerk shall send copies of this Order to Plaintiff and counsel for Defendants.

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13 DATED this 18th day of November, 2008.

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17 Karen L. Strombom
18 United States Magistrate Judge
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